

EXHIBIT 2



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

El Paso Area Office
100 N. Stanton Street, Suite 600
El Paso, TX 79901
(800) 669-4000
Website: www.eeoc.gov

NOTICE OF CHARGE OF DISCRIMINATION

(This Notice replaces EEOC FORM 131)

09/29/2023

To: Bradfute Enterprises, LLC
4952 Hondo Pass Dr.
El Paso, TX 79924

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Jose Ochoa under: The Americans With Disabilities Act of 1990 (ADA). The circumstances of the alleged discrimination are based on Disability, and involve issues of Reasonable Accommodation, Discharge that are alleged to have occurred on or about 03/22/2023.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, the EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access the EEOC's secured online system at <https://arc.eeoc.gov/rsp/login.jsf>
2. Enter this EEOC Charge No.: 453-2023-01414
3. Enter this password: qYON2ydTF

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding it, you may send an email to elpasopublic@eeoc.gov.

Bradfute a David.

Preservation of Records Requirement When a Charge has Been Filed

The EEOC regulations require respondents to preserve all payroll and personnel records relevant to the charge until final disposition of the charge or litigation. 29 CFR §1602.14. For more information on your obligation to preserve records, see <https://www.eeoc.gov/employers/recordkeeping-requirements>.

Non-Retaliation Requirements

The laws enforced by the EEOC prohibit retaliation against any individual because s/he has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing under these laws. Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify the EEOC if any attempt at retaliation is made. For more information, see <http://www.eeoc.gov/laws/types/facts-retal.cfm>.

Legal Representation

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please provide the attorney's contact information when you log in to the online system.

Please retain this notice for your records.



U.S. Equal Employment Opportunity Commission
El Paso Area Office
100 N. Stanton Street Suite 600
El Paso, TX 79901
(800) 669-4000

Dear Small Business Manager:

The Equal Employment Opportunity Commission (EEOC) is the federal agency with primary responsibility for enforcing our nation's equal employment opportunity (EEO) laws. The laws we enforce prohibit job discrimination based on race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), pregnancy (including pregnancy accommodations), national origin, age (40 or older), disability, retaliation and genetic information.

The attached Fact Sheet provides an overview of the EEOC's procedures from the time a charge of employment discrimination is filed to the point that it is resolved.

We encourage you to visit our online Small Business Resource Center, which provides a wealth of information designed to help small businesses. We offer tips and short videos on key employment topics including what to do when you receive a charge of discrimination.

In most cases, as our first step in processing a charge, we offer mediation as a neutral, voluntary and confidential way to achieve a mutually satisfactory resolution for all parties. Seventy-five percent of charges that are mediated are successfully resolved. In an independent study, 96% of employers who tried the EEOC's mediation program said they would use it again if the need arose.

In addition to the EEOC representative identified on the Notice of Charge of Discrimination, each of our district offices has a Small Business Liaison to provide technical assistance and help employers resolve questions about the laws we enforce, our mediation program, and the charge process. You can find the names and contact information of our Small Business Liaisons on our web site.

We encourage you to contact the Small Business Liaison in your area to answer any questions you may have and assure you that any inquiry or request for information will not adversely affect the investigation of the charge that has been filed.

Sincerely,

U.S. Equal Employment Opportunity Commission

Find the Answers at EEOC's Small Business Resource Center

The EEOC's Small Business Resource Center | U.S. Equal Employment Opportunity Commission ([eeoc.gov](http://www.eeoc.gov/employers/small-business)) (<http://www.eeoc.gov/employers/small-business>) is filled with useful information for small businesses and can connect you with EEOC staff in your area who can help you.

- *Have a question? Need training for your staff or one-on-one assistance?*

To request information about the EEOC, training on federal employment discrimination laws or an explanation of the charge process, contact your local EEOC Small Business Liaison. We are here to help.

- *Want quick information online?*

The EEOC's Small Business Liaisons have created videos with the small business owner in mind and the simple straightforward information that you need most. For example, you may need to know what questions you shouldn't ask in a job interview, and other tips for the hiring process.

Also see our Frequently Asked Questions.

- *Need an employment policy or practical tips on preventing job discrimination?*

See 10 Quick Tips for Small Business.

- *Need to know more about EEOC's charge process?*

We have a video on Responding to a Charge of Discrimination.

- *What is mediation?*

The EEOC's mediation program offers a free, voluntary, confidential and informal resolution process for many charges of discrimination. Mediations are conducted by a neutral mediator. If mediation is successful, there is no investigation.

- *Want information about a specific topic?*

Our Resources page explains the types of employment discrimination covered by the EEOC's laws as well as the legal requirements you need to know.

We can also direct you to other federal agencies for information on issues such as minimum wage and overtime pay or family and medical leave. The Resources page gives a link to small business assistance from the SBA and provides information on the Small Business Regulatory Enforcement Fairness Act (SBREFA), which allows small businesses to comment on federal agency enforcement actions to the SBA Ombudsman.

You can order our Publications online free of charge or print them for use. You can also order the EEOC's poster, "EEO Is The Law," [here](#).

For more information and assistance call the EEOC toll-free at 1-800-669-4000 or use our sign language access line at 1-844-234-5122 (ASL Video Phone and Hard of Hearing callers only.)



U.S. Equal Employment Opportunity Commission

FEDERAL INVESTIGATION:
REQUEST FOR POSITION STATEMENT
AND SUPPORTING DOCUMENTARY EVIDENCE

The EEOC hereby requests that your organization submit within 30 days a Position Statement setting forth all facts which pertain to the allegations in the charge of discrimination under investigation, as well as any other facts which you deem relevant for the EEOC's consideration.

We recommend you review the EEOC's resource guide on "[Effective Position Statements](#)" as you prepare your response to this request.

Fact-Based Position Statement

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to the EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

The EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, the EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

The EEOC may release your position statement and non-confidential attachments to the Charging Party and their representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. The EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, the EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

Signed by an Authorized Representative

The Position Statement should be signed by an officer, agent, or representative of Respondent authorized to speak officially on its behalf in this federal investigation.

Segregate Confidential Information into Separately Designated Attachments

If you rely on confidential medical or commercial information in the position statement, you should provide such information in separate attachments to the position statement labeled "Sensitive Medical Information," "Confidential Commercial or Financial Information," or "Trade Secret Information" as applicable. Provide an explanation justifying the confidential nature of the information contained in the attachments. Medical information about the Charging Party is not sensitive or confidential medical information in relation to the EEOC's investigation.

Segregate the following information into separate attachments and designate them as follows:

- a. Sensitive medical information, except the Charging Party's medical information
- b. Social Security Numbers
- c. Confidential commercial or financial information
- d. Trade secrets information
- e. Non-relevant personally identifiable information of witnesses, comparators or third parties, for example, social security numbers, dates of birth in non-age cases, home addresses, personal phone numbers and email addresses, etc.
- f. Any reference to charges filed against the Respondent by other charging parties

Requests for an Extension

If Respondent believes it requires additional time to respond, it must, at the *earliest possible time* in advance of the due date, make a written request for extension, explain why an extension is necessary, and specify the amount of additional time needed to reply. Submitting a written request for extension of time does not automatically extend the deadline for providing the position statement.

Upload the Position Statement and Attachments into the Respondent Portal

You can upload your position statement and attachments into the Respondent Portal using the **+ Upload Documents** button. Select the "Position Statement" Document Type and click the **Save Upload** button to send the Position Statement and attachments to EEOC. Once the Position Statement has been submitted, you will not be able to retract it via the Portal.

RCVD by EEOC 07/07/2023

Charge of Discrimination		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 453-2023-01414	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.			
Texas Workforce Commission Civil Rights Division and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. Jose Ochoa, Jr.	Home Phone (Incl. Area Code) (915) 504-3593	Date of Birth 1986	
Street Address 3405 Olympic Avenue, El Paso, TX 79904	City, State and ZIP Code		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Bradfute Enterprises, LLC	No. Employees, Members 100 or More	Phone No. (Include Area Code) (575) 541-0066	
Street Address 4952 Hondo Pass Drive, El Paso, TX 79924	City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es))		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input checked="" type="checkbox"/> RETALIATION	<input type="checkbox"/> COLOR <input type="checkbox"/> AGE	<input type="checkbox"/> SEX <input checked="" type="checkbox"/> DISABILITY	<input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> GENETIC INFORMATION
		Earliest 12-2022	Latest 03-22-2023
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).			
PERSONAL HARM:			
<p>I. On December 2022, Bradfute Enterprises, LLC ("Bradfute Enterprises") interviews me for a position as an Outbound Appointment Setter. During the interview, Bradfute Enterprises's Interviewee receives verbal notice from me that I need an accommodation for my disabilities. Specifically, my disabilities are that I have diabetes, which led to the amputation of my right leg in September 2017, leaving me in a wheelchair. Bradfute Enterprises's Interviewer assures me that Bradfute Enterprises will provide me with accommodations so I can move around the office in my wheelchair. During the interview, Bradfute Enterprises hires me as an Outbound Appointment Setter.</p> <p>In early January 2023, Bradfute Enterprises accepts me onto Bradfute Enterprises's premises located at 4952 Hondo Pass Drive, El Paso, Texas 79924 ("Premises") to begin working for Bradfute Enterprises. Bradfute Enterprises refuses to provide a reasonable accommodation for my disabilities -- diabetes and right leg amputation. The doorways of Bradfute Enterprises's Premises are too narrow for me to go through the doorways with my wheelchair. Instead of providing me with a reasonable accommodation, Bradfute Enterprises requires me to hop on one leg through the doorways, which is dangerous and humiliating. Bradfute Enterprises chooses to line the walls of Bradfute Enterprises's Premises with vacuum cleaners which prevent me from accessing the hallway or restroom with my wheelchair. The restroom at Bradfute Enterprises's Premises is not wheelchair accessible which prevents me from entering the restroom with my wheelchair. Throughout January 2023, multiple employees of Bradfute Enterprises -- including Bradfute Enterprises Supervisor Brandon, whose last name I do not recall -- receive my repeated requests for a reasonable accommodation to allow me to use Bradfute Enterprises's doorways, hallway, and restroom with my wheelchair. One reasonable accommodation I request is for Bradfute Enterprises to remove the vacuum cleaners lined along the hallway for Bradfute Enterprises's Premises. Bradfute Enterprises continues to refuse to provide a reasonable accommodation for my disabilities.</p>			

On January 31, 2023, Bradfute Enterprises is aware that I attempt to use the restroom on Bradfute Enterprises's Premises. On January 31, 2023, Bradfute Enterprises is aware that I cannot enter the restroom with my wheelchair because Bradfute Enterprises refuses to provide me with a reasonable accommodation, refuses to make the restroom or doorways wheelchair accessible, and refuses to remove the vacuum cleaners which line the hallway on Bradfute Enterprises's Premises and block wheelchair access. On January 31, 2023, Bradfute Enterprises is aware that I must enter the restroom by hopping on one leg while placing one hand on the restroom doorframe and one hand on the restroom sink in order to steady myself and maneuver into the restroom because my right leg was amputated and the restroom is not wheelchair accessible. On January 31, 2023, while my hand is on the restroom sink, Bradfute Enterprises's restroom sink breaks off the wall causing me along with the sink to crash to the ground causing me terrible injuries. On February 1, 2023, Bradfute Enterprises becomes aware that I had go to the hospital to seek treatment for the injuries I sustained from the January 31, 2023 fall caused by Bradfute Enterprises's repeated refusals to provide me with any reasonable accommodation to my disabilities. On February 1, 2023, Bradfute Enterprises Supervisor Brandon receives notice that the hospital determines I likely have a torn rotator cuff in my right shoulder due to the fall in the bathroom on January 31, 2023, and is scheduling an MRI to confirm, but released me to return to work in two days.

Beginning on February 1, 2023, and continuing through March 2023, Bradfute Enterprises Supervisor Brandon tells me over the phone and through text messages that **Bradfute Enterprises will not allow me to return to work**. On March 8, 2023, Bradfute Enterprises Supervisor Brandon receives my notice that I have received a prosthetic leg, no longer require a wheelchair, and am able to return to work. On March 14 and 22, 2023, Bradfute Enterprises Supervisor Brandon tells me over the phone that Bradfute Enterprises will not allow me to return to work, that I should "look elsewhere", and that there are "no hard feelings".

See the attached factual chronology.

RESPONDENT'S REASONS FOR ADVERSE HARM:

II. My employer discriminated against because of my disability, or because I was "regarded as" having a disability. My employer also retaliated against me for requesting a reasonable accommodation for my disability.

DISCRIMINATORY STATEMENT:

III. I believe that I have been discriminated against because of my disability, or because I was "regarded as" having a disability, in violation of the Americans with Disabilities Act of 1990, as amended. I believe that I was retaliated against for requesting a reasonable accommodation for my disability, in violation of the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

7-7-2023

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

July 7, 2023

